

SECOND AFFIDAVIT OF SPECIAL AGENT ROBERT C. LEWIS

I, Robert C. Lewis, being duly sworn, depose and state as follows:

INTRODUCTION

1. I have been employed by the Federal Bureau of Investigation ("FBI") as a Special Agent for over fifteen years. During that time, I have been involved in dozens of investigations relating to a wide variety of suspected criminal activity, including, among other things, drug and firearms trafficking by organized street gangs, including the Latin Kings. I have been the affiant on numerous affidavits in support of criminal complaints and other applications and have spent much of the last ten years investigating gangs and gang-related activity in the Commonwealth of Massachusetts and the State of New York.

2. I am submitting this affidavit in support of the government's motion that MICHAEL CECCHETELLI, AKA KING MERLIN ("Cecchetelli") be detained pending trial. Cecchetelli's case is related to the indictment and arrest of the following individuals: EDUARDO PAGAN, AKA KING CHINO LATIN; JULIO MARIN, AKA KING POTE; MICHAEL MARRERO, AKA KING CLUMSY; JOSE RODRIGUEZ, AKA KING GRINGO; JOSE ALICEA, AKA KING BEBE; ELIZABETH CORTES, AKA QUEEN ELLIE; ANDRES GIOVANNI COTTO, AKA KING DRE, GABRIEL ORTIZ, AKA KING POPEYE; LUZ TORRES, AKA QUEEN KUKI; ENRIQUE GONZALEZ, AKA KING GRILLO; DAVID RUIZ, AKA KING TYSON;

DANNY ROSS, AKA KING OLD DIRTY; AURORA MARIN PEREZ; ROSADO NEFTALY, CESAR CRUZ, AKA KING CESAR; RICARDO DIAZ, AKA RICKY; DAVID VADDY, AKA KING LA GRAMITA; KELLY ARZATE, AKA KING GETTY; NICOLAS DIAZ, AKA NICKY; CHARLES HOWARD, AKA KING NINO; and LUIS RIVERA, AKA LUIS (hereinafter collectively referred to as "the Defendants"). All of the Defendants have been charged with various drug and/or firearms violations in indictments or criminal complaints issued on June 9, 2005 and June 13, 2005. All of these individuals are also alleged to be members (including members of the local or regional leadership) or associates of the Almighty Latin King/Queen Nation ("the Latin Kings"), a violent street gang operating throughout the Commonwealth of Massachusetts.

3. I have not included each and every fact developed in this investigation in this affidavit. Rather, this affidavit includes facts I believe to be relevant to issues under 18 U.S.C. § 3142.

BACKGROUND OF THE INVESTIGATION

4. On February 22, 2004, a Federal Grand Jury in Boston, Massachusetts, returned indictments charging twenty two members and associates of the Massachusetts Chapter of the Latin Kings, including several regional officers representing the Latin Kings' Massachusetts State Leadership. The indictments were the result

of a multi-agency investigation which targeted the local Lawrence and Lowell, Massachusetts chapters of the Latin Kings (hereinafter Phase I). FBI Special Agent Mark S. Karangekis was the case agent who led the Phase I investigation. SA Karangekis has advised me that certain defendants of Phase I have pleaded guilty and cooperated. These cooperating defendants have provided the FBI with an insider's understanding of the inner workings of the state wide leadership of the Massachusetts Regional Chapter of the Latin Kings and its relationship to the local chapters. The cooperating defendants provided information which caused investigators to conclude that the stronghold of the Massachusetts chapter was in western Massachusetts, and that the strength associated to its leadership stemmed from the strength of the local chapters in that part of the state, specifically, Springfield and Holyoke.

5. The multi-agency investigation referenced above was continued in western Massachusetts by SA Karangekis and other law enforcement officers. In particular, the criminal activities of the state and local leadership and membership of the Springfield and Holyoke chapters of the Latin Kings have been the focus of "Phase II" of the investigation. When Phase II was initiated, one of its principal objectives was to further develop intelligence about the state leadership centered in western Massachusetts, and the local chapters in Springfield and Holyoke,

including their size, the identity and location of their leadership, the scope of their illegal activities and the way in which they are organized and operate, including their association to the state leadership. In furtherance of this Phase II objective, officers and agents interviewed the cooperating defendants from Phase I, cooperating witnesses, and a large number of confidential informants. The officers and agents also reviewed records and recordings at jails, police departments and courts, examined documents regarding telephones, automobiles and real estate used by suspected gang members, and conducted physical surveillance of individuals and locations in Springfield, Holyoke, and other surrounding western Massachusetts communities.

6. SA Karangekis and other officers involved in the investigation have advised me that since Phase II was initiated in March of 2004, two Cooperating Witnesses (CWs) have successfully purchased cocaine, cocaine base in the form of crack cocaine, heroin and firearms from the Defendants, all of whom are members or associates of the Massachusetts Chapter of the Latin Kings. All of these purchases were made in the greater Springfield area by the CWs, who wore recording equipment and agreed to have their meetings and conversations with the Defendants recorded. Many telephone conversations setting up drug purchases (in which prices and quantities of drugs were

discussed) were also consensually recorded. The CWs were also surveilled by law enforcement officers when they dealt with the Defendants.

**THE ORGANIZATION, OPERATION
AND LEADERSHIP OF THE LATIN KINGS**

7. In the course of developing intelligence about the Latin Kings, SA Karangekis and other law enforcement officers have spoken to dozens of confidential informants, cooperating defendants, and cooperating witnesses regarding the gang and its operations. These individuals include current or former members of the Latin Kings (including former members of its leadership), who were personally familiar with the gang, its operations and its leaders.

8. The information about the Latin Kings and its operations provided below represents a summary of some of the information provided by these individuals and information obtained from other sources. The information provided by individual informants has been corroborated by comparing it to information given by other cooperators, information learned by reviewing consensually recorded telephone calls from area correctional facilities where Latin King members are incarcerated, and from other sources, including consensually recorded conversations made during drug purchases that took place over the course of the investigation.

9. Information provided by current or former members of the Latin Kings has also been corroborated by subsequent developments in the investigation. For example, informants identified the Defendants as Latin King members involved in drug trafficking in the Springfield and Holyoke area. In addition, the CWs made controlled purchases of drugs from the Defendants, many of whom discussed other gang members and gang activities during those purchases. Information provided about the Latin Kings described herein has also been confirmed by checking police records, by speaking with individuals who participated in the events, and by examining primary gang documents. In sum, the information set forth in this affidavit, including the information regarding the operation of the Latin Kings, is reliable because it has been provided by multiple sources or otherwise corroborated.

10. What the investigation has revealed is that the Massachusetts Chapter of the Latin Kings is a street gang with hundreds of members throughout the Commonwealth of Massachusetts. The Latin Kings operate local chapters throughout the state including chapters inside many correctional facilities. Many members of the gang are involved in a broad range of illegal activities including drug trafficking and crimes of violence undertaken in furtherance of protecting the interests of the gang and its members.

The Origins of the Almighty Latin King/Queen Nation

11. The Latin Kings was formed in the 1960s in Chicago. Its stated organizational purpose was the organization of Hispanics dedicated to overcoming an "oppressive government" and uplifting all "third world" people.

12. The Latin Kings developed a "Manifesto" and a "Constitution" governing the behavior of its members. These documents evolved over years into a detailed code or organizational and behavioral principles. The FBI has obtained copies of the recently published "Massachusetts Chapter Constitution of The Almighty Latin Kings Nation" and the "Manifesto of the Almighty Latin King Nation." The FBI also has obtained a copy of the Latin Kings' former Manifesto and the gang's "Massachusetts Policy Book."

13. During Phase I of the investigation, a Confidential Informant provided investigators with the original Manifesto and Massachusetts Chapter Policy Book. The most senior leader of the Latin Kings became angry when he observed that those documents were attached to court documents associated to the prosecution of the subjects of Phase I of the investigation, not because they were disclosed, but because they were not up to date, and referenced an allegiance to a Latin King leader who was no longer in power and who was considered an enemy of the "Nation." The senior leader ordered that the more up to date Manifesto and

Chapter Constitution be made available to members. These documents were provided to SA Karangekis during Phase II of the investigation by a CW.

14. In its early years of the gang's development in Chicago, the Latin Kings formed small coalitions to protect the interests of its members. As time passed, coalitions known as "strike back groups" developed into traditional street gangs who wanted to protect their "turf" from outsiders and rivals.

15. The seeds planted in the 1960s have evolved into an institutionally accepted directive to protect "turf" and a strict "code of silence," a directive that is adhered to by all Latin King regional chapters, including the Massachusetts Chapter of the Latin Kings. The adherence to these principals has created a culture of secrecy and institutional violence within the Latin Kings that has grown stronger over the years. Latin King members are expected to come to the aid of their fellow members on request without hesitation. Hence, whenever the economic or other interests of the gang (such as its primacy in certain designated geographic areas, the drug trafficking activities of its members, or the security of members from law enforcement) are threatened, members are required to join in on organized actions aimed at mutual protection. These actions frequently take the form of "missions" i.e., acts of violence directed at rivals.

General Leadership Structure of the Latin Kings

16. The Latin Kings have a highly organized rank structure on the national, regional, and local levels. The leadership at each level is comprised of a Supreme Crown Inca and an Executive Crown of officers consisting of a Carsique, (or second-in-command), a Minister of Defense (responsible for meting out punishment, waging war against rivals, and maintaining the gang's arsenal), a Treasurer (responsible for the collection of dues, tribute and fines and the maintenance of a common pool of money known as a "fundle" used to support concerted activities such as bailing members out of jail and purchasing weapons) and a Secretary (responsible for maintaining records and the administration of the gang's business).

17. Although the Latin Kings originated in the Midwest, they now have Regional and Local Chapters throughout the eastern United States. Regional Chapters must be sanctioned by the national leadership in Chicago. Each Regional Chapter must then sanction its local chapters. While each Regional Chapter adheres to the laws and regulations set out in the Manifesto, the Regional Chapters typically have their own regional policy book or "constitution" to guide the leadership and regulate the behavior of its membership. As stated above, copies of the "Massachusetts Policy Book" and "Manifesto" were seized in Lawrence in 2001. It includes such things as a Membership

Application, Voting Form, Convict's Code of Conduct, Guide to Starting a Local Chapter of the Latin Kings in Massachusetts and a form for funeral arrangements for Latin King members. A copy of the more recent Constitution was provided by a CW in Phase II of the investigation.

18. The Regional and Local Chapters adhere to the same leadership structure in place at the national level. The Supreme Crown Inca for the region is typically the most senior member of the gang who chooses his Executive Crown Council. In some circumstances, the Supreme Crown Inca will choose only his Carsique, and the other positions on the Crown Council will be determined by a vote of the membership. There is also a Crown Council Chairman who oversees the activities of the Crown Council and acts as an advisor for that council and a monitor in elections. The Executive Crown Council for a region has a great deal of influence in the selection of the Local Crown Incas for local chapters within the Region and often appoints Regional Officers to oversee those Local Crown Incas.

19. A prime example of the rigid organizational structure of the Latin Kings is its "judicial system." The Latin Kings maintain their own "system of justice" pursuant to which members are formally "charged" with violations of the gang laws. Those charges are adjudicated and individuals found guilty of violating gang rules are punished. Latin Kings who violate gang rules may

face fines, physical punishment or expulsion from the gang. Members who cooperate with law enforcement may face particularly harsh punishment up to and including "termination," a term often used for execution. Forms for disciplinary proceedings are also included in the Massachusetts Policy Book.

20. During phase II of the investigation, conversations between Latin Kings inside and outside of jail were monitored by the Massachusetts Department of Corrections. During those discussions, inmates discussed Latin Kings who were being accused of violations of Latin King rules and were being charged. Information received from CWs corroborated these monitored conversations. On more than one occasion, monitored telephone calls revealed one member referencing "charging papers" or "bringing charges" against another member for violations as routine as showing disrespect to a superior or violations as serious as being a "traitor," or a "police collaborator." In other conversations, gang leaders were overheard discussing punishments, and directing members to mete out those punishments. During the course of Phase II of the investigation, a Cooperating Witness provided the FBI with copies of "charging papers" accusing a Latin King leader with violations of the "nation" law. The referenced charging papers are at the heart of an internal conflict which is currently on going in the Latin Kings.

19. The investigation revealed that under the laws and regulations of the Latin Kings, the most serious offense which could be committed by a member would be to cooperate with the police against the "Nation," or to be a "police collaborator," and that this offense would carry the gravest of punishments for the violator.

21. The investigation has also revealed that an individual's membership in the Latin Kings requires that individual's sole and unwavering loyalty to the organization, and that any faltering in that loyalty is punishable. Any cooperation, or "collaboration" with the police is considered "A CAPITOL OFFENSE" worthy of the punishment usually associated with such an offense: death. According to cooperating defendants, CWs, and confidential informants who are current and former Latin King members, to adhere to the laws and regulations set out in these documents is to be a Latin King. Members who do not adhere are subject to punishment.

22. Gang finances flow from the membership. Individual members are expected to pay regular dues, tribute (usually in the form of a percentage of revenues derived from illegal activities), and fines levied as a result of violations of gang rules. In turn, these monies are either passed to the regional leadership for their use or maintained in a common fund known as the "fundle" that is used for bail, weapons purchases and other

joint gang activities. Phase II of the investigation revealed that the Crown Council Chairman recently held a meeting in an attempt to re-establish regular payment by members into the "fundle," a practice which was neglected by the current Supreme Crown Inca, one of many missteps taken during his tenor as the SCI, missteps which have resulted in the threat of "civil war."

Illegal Activities of the Latin Kings

23. The atmosphere of interdependence and secrecy that surrounds the Latin Kings often leads members to sell illegal drugs together. The closed nature of the drug trafficking by Latin King members was demonstrated in Phase II of the investigation. Time and time again, subjects of investigation revealed to the CWs associations to other subjects from whom the CWs had also made controlled purchases of drug evidence. In addition, subjects displayed the common reluctance to meet with anyone but the CWs, who were trusted associates and members of the gang, and thus considered safe with whom to deal.

24. The investigation has revealed that the atmosphere of interdependence that pervades the Latin Kings also results in the use of institutional violence often imposed to protect the illegal activities of gang members. Unwanted competition from other drug traffickers, turf threats from rival gangs, or any conduct that is perceived to be disrespectful to the Latin Kings or its members can produce a call to the membership and result in

missions, organized violence or shootings. During Phase II of the investigation, for example, a CW was contacted on a number of occasions by other members who reported disputes with a rival gang. The CW was also informed of retaliatory missions against members of the rival gang who were threatening the geographic primacy of that individual's drug trafficking. On more than one occasion during the investigation, a Latin King member offered to assist a CW in seeking revenge against another group of criminals he perceived as a threat to the CW's success as a drug trafficker. The offer was based solely on their common membership in the Latin Kings and on the belief that to injure one Latin King was to injure another, and that every member of the Latin Kings should support their fellow members, even with violence, and even to the death.

The Latin Kings in Massachusetts

25. A Regional Chapter of the Latin Kings for Massachusetts was first sanctioned by the national leadership around 1990. The first Supreme Inca for Massachusetts is credited with creating the Massachusetts Policy Book. After the first Supreme Inca received a life sentence for murder and was removed from power, a subsequent Supreme Inca succeeded him. Although the second Supreme Inca was also subsequently incarcerated, he has managed to maintain influence over the Massachusetts Chapter of the Latin

Kings. After the second Supreme Inca was sent to prison, MICHAEL CECCHETELLI, AKA KING MERLIN, took over as the Region's Supreme Inca. There has been a power struggle between CECCHETELLI and the incarcerated second Supreme Inca.

26. The Latin Kings operate several local chapters in Massachusetts. They presently include, among others, chapters in Springfield (generally viewed as the strongest and most influential group), Boston, Worcester, Lawrence, Lowell, New Bedford, and Brockton. The Local Crowns for each of these chapters report directly to a Regional Crown officer assigned to oversee that chapter. Typically, that Regional Crown officer is a former member of the local chapter. According to sources in and out of the Latin Kings, the Lawrence and Lowell chapters have been significantly disrupted. As noted above, the strength of the Latin Kings now lies in western Massachusetts.

27. The Latin Kings also have a significant presence in Massachusetts prisons. Leadership inside jail is usually determined by seniority. Latin Kings chapters in prison are often actively involved in recruitment of new members. Many Latin Kings were originally "blessed" into the gang while incarcerated.

Recent Changes in the Massachusetts Latin Kings

28. During the past year, the Massachusetts chapter of the Latin Kings has undergone significant changes, started by the

indictment and arrest of twenty two leaders and members from Lawrence and Lowell, including the number three leader in Massachusetts. Those indictments sent a ripple effect throughout the Massachusetts Latin King community. The indictments were perceived by the incarcerated second Supreme Inca as a sign of MICHAEL CECCHETELLI's poor leadership, and his inability to control the actions of the local leaders of local chapters. The second Supreme Inca and CECCHETELLI began feuding, and in this feud, attempted to align other leaders and members of the Latin Kings in their respective "camps." Analysis of telephone contacts for the second Supreme Inca while he has been incarcerated reveals his attempt to maintain the loyalty of Latin Kings on the street, and information provided by CIs and CWs reveals that CECCHETELLI fears that he is losing control and could be the subject of violence directed by the second Supreme Inca and his loyalists. CWs and CIs have advised that CECCHETELLI has attempted to discredit and do violence to the second Supreme Inca.

29. As a result of the feud between the two most significant Latin King leaders, there has been a marked difference in control of the Latin Kings. Local Crown leaders have taken a more hands on approach, and the membership and leadership have become brazen in their drug trafficking and have shown little concern over bringing attention to the Latin Kings

in Springfield. For example, the Local Crown Inca of the Springfield Chapter has taken control of crack cocaine distribution in Central Street projects of the south end, employing a number of lower level Latin Kings and associates.

JOSE RODRIGUEZ, AKA KING GRINGO, JOSE ALICEA, AKA KING BEBE

30. As noted in the affidavit submitted in support of detention, an atmosphere of interdependence and secrecy that surrounds the Latin Kings often leads members to sell illegal drugs together. The closed nature of the drug trafficking by Latin King members was demonstrated throughout the investigation. Time and again, subjects of investigation revealed to Cooperating Witnesses associations to other subjects from whom the Cooperating Witness had also made controlled purchases of drug evidence. In addition, subjects displayed the common reluctance to meet with anyone but the Cooperating Witnesses, who were trusted associates and members of the gang, and thus considered safe to deal with. This was the case with JOSE RODRIGUEZ, AKA KING GRINGO, and JOSE ALICEA, AKA KING BEBE.

31. Investigation revealed that JOSE RODRIGUEZ, AKA KING GRINGO, is a member of the Latin Kings in Springfield, and that he distributed crack cocaine in, what the investigation revealed, was Latin King drug territory, Locust Street, Springfield, and that RODRIGUEZ relied on his association to the Latin Kings for success in his drug distribution, in that he relied on other

Latin Kings to bring him customers, relied on those same Latin Kings to distribute drugs for him, and felt safe to possess (and fire) weapons in Latin King territory, something only a Latin King would dare do.

32. The investigation revealed the RODRIGUEZ was associated to JOSE ALICEA, AKA KING BEBE in his drug distribution activities, and in fact, was who ALICEA contacted for crack cocaine when a CW required larger amounts of that drug. RODRIGUEZ revealed himself as one of ALICEA's suppliers of crack cocaine by meeting with ALICEA and the CW, and accompanying those two to a drug "stash" house, where RODRIGUEZ obtained crack cocaine, and provided the same to ALICEA, who in turn provided the crack cocaine to the CW in exchange for official agency funds.

33. Investigation also revealed that the CW was able to go directly to RODRIGUEZ for larger amounts subsequent to that first drug transaction with ALICEA. RODRIGUEZ made additional sales of crack cocaine to the CW, on several occasions, at a location identified as RODRIGUEZ's residence at the time, 21 Cedar Street in Springfield, Massachusetts.

34. The investigation further revealed RODRIGUEZ's membership in the Latin Kings, and his propensity for violence, when on May 28, 2005, members of the Springfield Police Department "Safeguard Unit" and the FBI Western Massachusetts

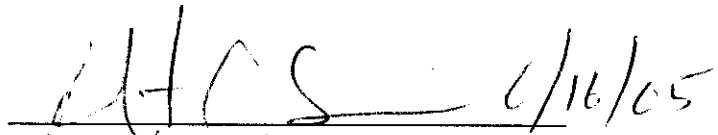
Gang Task Force (WMGTF) arrested JOSE RODRIGUEZ at 258 Locust Street for possession of a firearm and discharging a firearm within 500 feet of a dwelling.

35. The investigation on May 28, 2005 revealed that RODRIGUEZ was firing a .32 caliber handgun and an air rifle from the rear porch 3rd floor landing of 258 Locust Street, the heart of Latin King territory in Springfield, as children played in the alley below. As police officers approached, RODRIGUEZ fled into the 3rd floor left hand side of the apartment, the residence of ELSIE ACEVEDO, and out the front of that location, where he was detained by police on the third floor landing as he approached the fourth floor. Investigation revealed that a .32 caliber handgun recovered in Ms. ACEVEDO's apartment was RODRIGUEZ's handgun, and that it had been recently fired.

36. Further investigation revealed that ELSIE ACEVEDO is JOSE ALICEA's girlfriend and the mother of his child. The 3rd floor left residence referenced above is in ACEVEDO's name, and was the site of two separate controlled drug purchases by the CW from JOSE ALICEA, AKA KING BEBE. The investigation revealed that ALICEA sold drugs for several Latin Kings, to include JOSE MARIN, AKA KING POTE, FELIX MORALES, AKA KING FLEX, and JOSE RODRIGUEZ, AKA KING GRINGO.

37. Investigation on June 15, 2005, the day of RODRIGUEZ and ALICEA's arrests, revealed that RODRIGUEZ stayed at 258

Locust Street, 4th Floor right, and ALICEA stayed at 258 Locust Street, 3rd floor left, the same location RODRIGUEZ left his .32 caliber handgun on May 28, 2005, and the same location at which ALICEA sold drugs to the CW during the investigation.


Robert C. Lewis
Special Agent, FBI

Sworn to before me on June 15, 2005.

Kenneth P. Neiman
United States Magistrate Judge